



ANNO QUADRAGESIMO SEXTO.

## VICTORIÆ REGINÆ.

CAP. LXXVIII.

An Act to amend the acts concerning the city of Montreal.

(Assented to 30th March, 1883.)

**W**HEREAS the corporation of the city of Montreal, Preamble.  
have represented by their petition that it is expedient to make certain amendments to the statutes in relation to the same, and among others to facilitate the recovery of taxes and assessments due or that will become due to the said city; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section 96 of the statute passed in the thirty-seventh year of Her Majesty's reign, 37 Vict., chap. 51 is amended by adding after the word "virtue" in the third line, the following: "of the law or of a resolution or" and by replacing the word "five" in the thirteenth and fifteenth lines of the same section by the word "three." 37 Vict., chap. 51, section 96 amended.

2. Section 21 of the last cited act is amended by adding after the word "elected" in the first line, the following: "and validly put in nomination as." Idem section 21 amended.

Candidate put  
in nomination  
as mayor, etc.,  
may withdraw

3. Every candidate, put in nomination as mayor or alderman at an election for a member of the council of the said city, may at any time after being put in nomination and before the closing of the poll, withdraw and resign, by filing with the clerk of the said city a written declaration to that effect, signed by such person in presence of two witnesses who shall also sign the same; and in such case it shall be the duty of the city clerk on receiving such declaration to proclaim the other candidate duly elected, if there remain but one; and thereupon all proceedings in connection with such election shall be discontinued.

42-43 Vic., ch.  
53, sec. 13  
amended.

4. Section 13 of the act passed in the forty-third year of Her Majesty's reign 42-43 Vict., chap, 53, is amended by striking out all the words that follow the words "municipal election" so that the assessors shall henceforth proceed to subdivide the wards into electoral districts as heretofore.

Punishment  
upon voting,  
etc., in name  
of another at  
an election.

5. Every person who, at any election for mayor or alderman for the said city or for any ward thereof, shall illegally endeavor to vote or who shall vote for and in the stead of another elector, may be arrested on view by the returning officer or by any justice of the peace of the said city, or by any other peace officer or constable present at such election, or on a warrant issued by any justice of the peace, and the person so arrested shall be taken to and kept in a place of safe-keeping or confined in the common gaol of the district of Montreal until the end or close of the election, and until good and sufficient security be given that such person so arrested, shall appear and answer to the charge to be preferred against him in that respect before the recorder's court; and every such person shall, on conviction of the offence aforesaid, incur and pay a fine not exceeding *one hundred* dollars, current money of this province, and, in default of immediate payment, shall be liable to an imprisonment, not exceeding three months, in the common gaol, for each and every such offence, unless the said fine be previously paid.

6. Section 100 of the said act 37 Vict., chap. 51 is <sup>37 Vic., c. 51,</sup> repealed and the following substituted therefor : <sup>sec. 100, re-</sup>  
<sup>pealed.</sup>

" 100. The fiscal year in the city of Montreal shall <sup>Fiscal year.</sup> commence on the first January and terminate on the last day of December in each year ; but as regards the ordinary and annual and school taxes, they shall be held to be <sup>Imposition of</sup> imposed and levied for the period of time comprised be- <sup>taxes.</sup> tween the first day of May of each year and the same date of the subsequent year.

7. Sections 69 and 74 of the said act 37 Vict., chap' <sup>37 Vic. c. 51,</sup> 51 are hereby repealed, and the following substituted <sup>secs 69 & 74</sup> therefor : <sup>repealed.</sup>

" 69. The city council at its first regular meeting, or as <sup>Appointment</sup> soon thereafter as possible, in the month of January of <sup>of assessors.</sup> each year, shall appoint as many assessors, not exceeding nine in number, as may be necessary ; and may grant such remuneration for their services as the city council may deem fit ; and any vacancy among the assessors may be filled by the said council,"

" 74. The power and authority of the assessors shall <sup>Duration of</sup> be and continue in force and may be exercised for and <sup>power of as-</sup> during the period and term of their appointment, to wit : <sup>sessors.</sup> until the expiration of twelve months, to be reckoned from the date of their appointment, and until their re-appoint-ment or the nomination of their successors.

8. The proviso of section 75 of the said last mentioned <sup>Idem sec. 75</sup> act is hereby repealed and the following substituted in <sup>amended.</sup> its stead :

" Provided always that it shall be lawful for any two <sup>Proviso as to</sup> of the said assessors to value the properties and prepare <sup>power of as-</sup> the assessment roll for each ward, and each and every <sup>sessors.</sup> of the said assessment rolls shall be revised by all of the said assessors, a majority of whom shall have full power and authority to close and complete each of the said rolls according to law.



Idem sec. So repealed.

9. Section 80 of the said act is hereby repealed and the following substituted in its stead ;

How assessments may be levied, upon real estate.

" Every assessment imposed by virtue of the foregoing or any other provision of this act, upon real estate, may be levied on such real estate as it appears and according to the cadastral number given to it or according to the cadastral number of the sub-division of the said real estate, upon the official plan and in the book of reference of the said city, made in pursuance of the provisions of chapter 37 of the Consolidated Statutes for Lower Canada and of the Act 27-28 Vict., chap. 40; and henceforth the number given to such real estate upon the said plan and in the said book of reference, shall be a sufficient description of such real estate in the assessment rolls of the said city to enable the said city to levy such assessment on such real estate."

Proviso as to taxes, sub-divisions of real estate registered or not enregistered.

" And whenever a sub-division of the said real estate shall not have been duly registered in the registry office, in the limits whereof the said real estate is situated, the assessors shall assess such real estate as a whole, and it shall be lawful for the said city to levy such assessments on the whole or on any part of the said real estate ; if on the contrary, a sub-division of the said real estate has been duly registered, then it shall be the duty of the assessors to assess each sub-divided lot separately."

Taxes on real estate if held in common and unpartitioned.

10. Whenever the assessors shall proceed to value and assess real estate belonging to an estate which shall not have been yet partitioned between the interested parties, or the partition whereof shall not have been duly registered in the registry office, it shall be lawful for the said assessors to designate such real estate as belonging to " the *Estate of* \_\_\_\_\_," mentioning the name of the *auteur* of the said interested parties, as far as they can ascertain.

Statements to be prepared by treasurer and contents thereof.

11. It shall be the duty of the city treasurer of the said city to prepare before the first day of May in each year a statement indicating ;

*Firstly.* The description by cadastral number of all the properties situated within the limits of the said city, on which at least two years of municipal or school taxes shall have accrued at the time of the passing of this act, or shall since, or may hereafter become due; or upon which taxes or ordinary assessments or special assessments were due at the passing of this act or shall become due or exigible hereafter for more than one year, with the names of the proprietors as they are mentioned in the different rolls of assessments or with a declaration that the proprietors are unknown.

*Secondly.* The amount of taxes and assessments due on the said real estate, with interest accrued thereon.

The city treasurer shall deliver this statement, duly certified, under his signature, to the sheriff of the district of Montreal, who shall, without the formality of a *procès verbal* of seizure, proceed to the sale of the said properties, or of part and portion of any of them, when practicable, after having given notice to this effect during two months in the "Quebec Official Gazette" to satisfy the payment of such assessment with interest and costs: and the proceeds of the sale of the said property so sold, as aforesaid, shall in all cases be returned by the said sheriff into the Superior Court, sitting in the district of Montreal; to be by the said Court adjudged upon, distributed and ordered to be paid according to law; provided however that the balance or amount of the monies to be so levied as aforesaid by the said sheriff, and remaining in the hands of the Prothonotary of the said Court, after the judgment shall have been rendered and after distribution as ordered by the said court, shall, within fifteen days thereafter, be paid over by the said prothonotary, to the Provincial Treasurer, to remain deposited in his hands in accordance with the provisions of the act respecting judicial and other deposits, until demanded and claimed by the party having the right to demand and claim the same.

Statement to be certified and delivered to sheriff

Proceedings thereon by sheriff.

Notice of sale to be published.

Proviso.

Proviso as to  
previous notice to  
proprietors.

Provided, however, that the city treasurer shall not proceed in the manner above prescribed until he has given at least ten days' notice by registered letter to the registered owner of the real estate liable for the amount of the taxes due and that the said real estate shall be put up for sale if the taxes mentioned in the said notice be not paid; a similar notice shall also be sent to the parties in possession of the said real estate upon which taxes are due, through a bailiff of the superior court

Contents of  
notice.

12. The notice to be given as above provided, by the sheriff, shall be in the form of the schedule hereunto annexed; it shall comprise as many real properties at one and the same time as the sheriff shall have been required to seize and sell for the payment of the said assessments and interest; and the said notice shall moreover be inserted, once a week, during two months immediately preceding the day of sale, in two English papers and two French papers published in the said city; and such notice shall also be posted in the portico of the City Hall, one month at least before the day fixed for the sale of the said real properties.

Notice to be  
also published  
in certain  
newspapers.

## SCHEDULE.

### FIERI-FACIAS.

Schedule,

Public notice is hereby given that the undermentioned immoveable properties shall be sold at the time and place hereafter specified; all persons who have to exercise as regards the same any claims which the registrar is not obliged to mention in his certificate by virtue of article 700 of the code of civil procedure, are hereby required to make known the same according to law. Every opposition to the sale except in case of *venditioni exponas*, shall have to be deposited in the office of the undersigned, before the fifteen days immediately preceding the day of the sale: opposition *afin de conserver* may be deposited at any time within six days after the return of the writ.





Application of preceding sections to sales of property when owners are unknown.

**15.** The procedure enacted in the preceding sections shall apply to all cases whether the proprietors of real estate are unknown and such proprietors shall be designated in the said schedule as "unknown," any law or custom to the contrary notwithstanding.

37 Vic., ch. 51  
secs. 88 to 93  
not to be affected by the act.

**16.** The preceding provisions shall not be deemed to affect sections 88, 89, 90, 91, 92 and 93, of 37 Vict., chap. 51.

Sale when to be if not held at time fixed, owing to oppositions.

**17.** In case the sale of any of the real estate aforesaid cannot take place at the time fixed, owing to oppositions or other judicial process, such sale, after the said oppositions or judicial process shall have been adjudicated upon, shall be made by the said sheriff, who shall fix the day upon which the sale shall take place, and shall give notice thereof by publishing the said schedule after leaving out the properties already sold and such portions of the said schedule as may relate to oppositions to the sale, during one month and in the manner *mutatis mutandis* prescribed in section 12 of the present act; and the said notice shall be placarded in the portico of the City Hall of the said city fifteen days before that fixed for the sale.

Power of council as to certain sewers

**18.** The power of the council of the said city to assess proprietors to defray the cost of construction of a sewer in any street of the city may be exercised as to any sewer that may be ordered to be constructed by the said council in any private street or lane, whenever the said council shall consider it expedient in the interest of public health.

The council may by by-law ;  
Protect lamps, etc.,  
Prohibit tea-  
sing of wool, etc.  
Regulate, etc.,  
persons in  
charge of  
steam engines.

**19.** The said council may by by-law :

1. Protect the lamps and lamp-posts in the streets of the said city ;
2. Prohibit the teasing of wool, hair, rags and other like articles ;
3. Regulate and determine the qualification of every person charged with the working and handling of steam engines and boilers in the said city, and require that such person be licensed to that effect by the said council ;



4. And in case of contravention, impose the penalty which the said council is authorized to impose for the enforcement of its by-laws. Impose certain penalty for contravention

20. The said council is authorized to recover from every abattoir company situated in the vicinity of the said city the salary of the health officer appointed by the city to inspect the cattle and other animals killed at the said abattoirs. The said salary shall not exceed the sum of five hundred dollars per annum. Salary of certain health officers,

21. The schools under the control of the Protestant and Catholic School Commissioners are exempt from all municipal taxes or assessments. Exemption of schools from taxes.

22. When a notice shall require to be given in virtue of the provisions of any of the statutes concerning the said corporation without any prescription as to the particular form in which it is to be given, then, such notice may be given in conformity with section 233 of the said act 37 Vict., chap. 51: and whenever the city surveyor shall have prepared a roll of assessment to meet the cost of any sidewalk or drain, he shall give notice of a day when the parties interested may examine the said roll and make known their complaints before the said roll be completed and put in force, the last mentioned notice to be given ten days at least before that fixed to hear the parties. How certain notice are to be given.

23. Sub-section 3 of section 26 of the Act 37 Vict., chap. 51, is amended by adding after the word "house," in the third line, the words: "or part of a dwelling house," and by striking out all the words after the word "election," in the fourteenth line, to the end of the sub-section. 37 Vic, c. 51. s. 26 § 3 amended

Sub-section 4 of the said section 26 is amended by striking out after the word "householder," in the second line the words: "who shall have been resident in the said city or within the parish of Montreal from at least the first day of May next preceding any such election." Idem § 4 amended,

24. Sub-section 1 of section 4 of the act 37 Vict., chap. 51 is amended by striking out the words: "three-fourths" Idem § 1 of s. 4 amended.

in the second line and replacing them by the words: "the majority"; by striking out the following words in the fifth and following lines: "provided that no such by-law shall have the effect of creating new wards or changing the limits of the existing wards of the said city," and by replacing them by the following: "And by decreeing that neighbouring municipalities or parts of municipalities shall constitute new wards or be annexed to the existing wards of the city."

Idem §11  
amended.

Sub-section 11 of the said section 4 is amended by striking out the words "of at least three-fourths" in the fifth line and replacing them by the words: "of the majority."

Idem sec. 5  
§1 amended.

25. Sub-section 1 of section 5 of the said act 37 Vic., chap. 51, is amended by striking out the words "three-fourths" in the sixth line and replacing them by the words: "the majority."

Repealing  
clause,

26. Any act or part of an act respecting the city of Montreal contrary to the provisions of the present act, is repealed.

Time when  
elections may  
be contested.

27. No municipal election shall be contested unless proceedings shall be taken before the expiration of thirty days from the date of the said election.

Act in force.

28. This act shall come into force on the day of its sanction; but shall not have any retroactive effect.





